UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Juan Jose ORTIZ-Sanchez,** Defendant	)	Magistrate Docket No. '07 MJ 2599 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **November 5, 2007** within the Southern District of California, defendant, **Juan Jose ORTIZ-Sanchez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **6th** DAY OF **NOVEMBER, 2007**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Juan Jose ORTIZ-Sanchez

PROBABLE CAUSE STATEMENT

On November 5, 2007, Senior Border Patrol Agent N. A. Husak was performing uniformed linewatch duties with the Chula Vista Border Patrol All Terrain Vehicle Unit. At approximately 6:10 a.m. he was informed, via service radio, of eight individuals, walking northbound from an area known as the 670 Hump, by an infrared scope operator. This area is located approximately two miles east of the Otay Mesa, California Port of Entry and approximately one quarter mile north of the United States and Mexico international border. Agent Husak responded to the area and found eight individuals hiding in high grass. Agent Husak identified himself as a United States Border Patrol Agent. He then asked the eight individuals of what country they were citizens of and all eight individuals, including one individual later identified as the defendant **Juan Jose ORTIZ-Sanchez**, replied "Mexico". He then asked all eight if they had any Immigration documents allowing them to enter or remain in the United States. All eight responded "No". All eight individuals were placed under arrest and transported to the Chula Vista station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 09, 2002** through **Calexico, CA.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights and was willing to speak without an attorney present. The defendant admitted to being a citizen and national of Mexico and entering the United States illegally through the mountains. The defendant stated that he has no immigration documents that would allow him to enter or remain in the United States legally.